

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

DONALD L. CLEMENS,)	
PLAINTIFF,)	
)	
v.)	Case No. 11-CV-200-FHM
)	
MICHAEL J. ASTRUE,)	
Commissioner of the)	
Social Security Administration,)	
DEFENDANT.)	

OPINION AND ORDER

On February 2, 2012, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings [Dkt. 18]. No appeal was taken from this Judgment and the same is now final [Dkt. 19].

Pursuant to Plaintiff's Motion for Attorneys' Fees [Dkt. 20] under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the parties have agreed that an award in the amount of \$5,047.80 for attorney fees for all work performed in this case is appropriate.

WHEREFORE, IT IS ORDERED that Plaintiff be awarded EAJA attorney fees in the amount of \$5,047.80 payable to Plaintiff in care of her counsel. If Plaintiff's counsel also receives attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 16th day of July, 2012.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE